



CRM-M-63018-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(206)

CRM-M-63018-2024

Date of decision: - 19.12.2024

Juber @ Jubair

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Baljeet Beniwal, Advocate, and
Mr. Abhishek Kharb, Advocate
for the petitioner.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

Mr. Saurav Bhatia, Advocate
and Mr. HPS Bungar, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

1. This is the first petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in FIR No.410 dated 08.06.2022, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sector 8, District Faridabad.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody since 21.02.2024 and the investigation is complete and the challan has been presented and there are 32 prosecution witnesses, out of which, only seven witnesses have been examined and

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thus, the trial is likely to take time. It is further submitted that the case is triable by Magistrate and the petitioner is not involved in any other case. It is argued that the case of the petitioner is on a better footing than the case of other co-accused, namely, Sakeel and Jamshed, inasmuch as, as per the case of the prosecution, against them there are also allegations of forgery and the said two persons are the main beneficiaries.

3. Learned counsel appearing for the State as well as for the complainant, on the other hand, have opposed the present petition for grant of regular bail and have jointly submitted that in the present case, the petitioner alongwith other co-accused have duped the complainant for an amount of Rs.68 lakhs by submitting documents with respect to the land belonging to the complainant for the purpose of taking loan and even a tractor, which was also taken on loan, on the basis of the said documents belonging to the complainant, has been recovered from the present petitioner. It is stated that the complainant is a very poor person and had suffered great economic hardship on account of the said act of the petitioner and co-accused.

4. Learned counsel for the complainant has further submitted that the complainant also has an apprehension that the petitioner would cause physical harm to him in case he is released on bail.

5. Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner undertakes not to visit the village, in which the complainant resides till the time the trial is pending and has further submitted that to show his bona-fide, the petitioner is ready to deposit an



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amount of Rs.70,000/- with the trial Court before the petitioner is released on bail and has further submitted that he would have no objection in case the said amount is released to the complainant in view of the financial position of the complainant. It is however submitted that the said amount should not be considered as an admission of guilt on behalf of the petitioner.

6. Keeping in view the above-said facts and circumstances, more so the fact that the petitioner is in custody since 21.02.2024 and the investigation is complete and the challan has been presented and there are 32 prosecution witnesses, out of which, 25 are yet to be examined and thus, the trial is likely to take time and the fact that the petitioner is not involved in any other criminal case and that the case is triable by the Magistrate and also in view of the undertaking given on behalf of the petitioner to the effect that he would not visit the village of the complainant, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

7. As undertaken on behalf of the petitioner, an amount of Rs.70,000/- would be deposited on behalf of the petitioner with the trial Court prior to his release and on his depositing the said amount, the petitioner would be released on bail and the amount so deposited would be released by the trial Court in favour of the complainant-Noor Mohammad. The payment of the said amount would not be treated as an

estoppel against the petitioner or the complainant and it would be open to both the parties to raise all the pleas independently. As undertaken, the petitioner would also not visit the village of the complainant till the time the trial is pending.

8. It is made clear that in case of violation of any of the above conditions, the prosecution or the complainant shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

December 19, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No